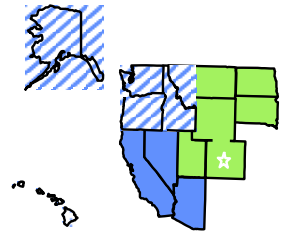




US Army Environmental Center Western Regional Environmental Office REGION 8 – SEPTEMBER 2003 **WESTERN REGION REVIEW**



The WESTERN REGION REVIEW provides current information on significant regulatory & legislative developments, as well as related information affecting DOD activities & operations in the Federal Region 8 area: Colorado, Montana, North Dakota, South Dakota, Utah, & Wyoming. We appreciate your feedback. Please contact WREO, U.S. Custom House, 721 19th St., Room 427, Denver, CO 80202-2500; Phone: (303) 844- 0954, or fax: (303) 844-0951.

WREO STAFF

Gerald Owens
Regional Chief/DOD REC Region 8
(303) 844-0953
gowens@rma.army.mil

Regional Counsel
(303) 844-0955

Tim Blume
Army REC Region 8
(303) 844-0958
tblume@rma.army.mil

Mark Mahoney
Army REC Region 9
(303) 844-00957
mmahoney@rma.army.mil

Mike Flannery
Army REC Region 10
(including Hawaii & Pacific)
(303) 844-0959
mflanner@rma.army.mil

Project Manager
(303) 844-0952

Environmental Specialist
(303) 844-0954

Administrative Assistant
(303) 844-0950

Regional Environmental Coordinator (REC) Contacts

DOD REC Region 8
Gerald Owens
(303) 844-0953
gowens@rma.army.mil

Army REC Region 8
Tim Blume
(303) 844-0958
tblume@rma.army.mil

Navy REC Region 8
Jim Edmond
(504) 678-5711
jim.edmond@navy.mil

Air Force REC Region 8
Mike Garrison
(214) 767-4652
mike.garrison@brooks.af.mil

DLA REC Region 8
James Phillips
(616) 961-7322 (DSN 932-7322)
jphillips@drms.dla.mil

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TABLE OF CONTENTS

Federal News & Regulatory Developments	2-4
Conferences, Symposiums, & Training	5-8
Colorado	9-10
Montana	11
North Dakota	11-12
South Dakota	12
Utah	13
Wyoming	14



FEDERAL AGENCY NEWS & REGULATORY DEVELOPMENTS



ENVIRONMENTAL PROTECTION AGENCY (EPA) INFORMATION

AIR INFORMATION:

PROPOSED RULE – ACCIDENTAL RELEASE PREVENTION REQUIREMENTS – On 31 July 2003 (68 FR 45123), EPA proposed changes to the risk management plan (RMP) regulations mandated under the accidental release prevention provisions of the Clean Air Act. EPA proposed that facilities that have an accident meeting the criteria for the five-year accident history be required to update and re-submit their RMP within six months of the date of the accident. The five-year accident history element for the RMP (40 CFR 68.42) requires the owner or operator of a stationary source to record information in their RMP on all accidental releases from covered processes in the past five years that resulted in deaths, injuries, or significant property damage on site, or known offsite deaths, injuries, evacuations, sheltering in place, property damage, or environmental damage. This requirement includes the release of any chemical from a covered process, not just the release of a regulated substance. Comments are due by 15 September 2003. For further information, contact Vanessa Rodriguez, EPA at (202) 564-7913, or link: <http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-19281.htm>.

NOTICE OF AVAILABILITY – DRAFT REGULATORY TEXT FOR PROPOSED RULE TO IMPLEMENT THE 8-HOUR OZONE NAAQS – On 6 August 2003 (68 FR 46536), EPA released a draft regulatory text to accompany the proposed rule to implement the 8-hour ozone national ambient air quality standard (NAAQS) which was published on 2 June 2003 (68 FR 32802). If, after notice and comment, EPA adopts approaches other than those reflected by the draft regulatory text, the final regulatory text will incorporate the approaches adopted. Comments must be received by 5 September 2003. For further information, contact John Silvasi, EPA at (919) 541-5666 or e-mail: silvasi.john@epa.gov.

NOTICE OF AVAILABILITY – DRAFT STAFF PAPER FOR PARTICULATE MATTER – On 28 August 2003 (68 FR 51774), EPA released the draft document, "Review of the National Ambient Air Quality Standards for Particulate Matter: Policy Assessment of Scientific and Technical Information. The purpose of the Staff Paper is to evaluate the policy implications of the key scientific and technical information contained in a related EPA document, "Air Quality Criteria for Particulate Matter," required by the Clean Air Act for use in the periodic review of the national ambient air quality standards for particulate matter. EPA also made available a related document, "Particulate Matter Health Risk Assessment for Selected Urban Areas." Comments on the draft documents are due by 28 October 2003. For further information, contact Mary Ross, EPA at (919) 541-5170.

WATER INFORMATION:

PROPOSED RULE – LONG TERM 2 ENHANCED SURFACE WATER TREATMENT RULE – On 11 August 2003 (68 FR 47639), EPA proposed National Primary Drinking Water Regulations that require the use of treatment techniques, along with monitoring, reporting, and public notification requirements, for all public water systems that use surface water sources. The purposes of the Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR) are to improve control of microbial pathogens in drinking water and to address risk trade-offs with the control of disinfection byproducts. The LT2ESWTR will build

upon the treatment technique requirements of the Interim Enhanced Surface Water Treatment Rule and the Long Term 1 Enhanced Surface Water Treatment Rule. Comments must be received by 10 November 2003. For further information, contact Daniel Schmelling, EPA at (202) 564-5281.

PROPOSED RULE – STAGE 2 DISINFECTANTS AND DISINFECTION BYPRODUCTS RULE – On 18 August 2003 (68 FR 49547), EPA proposed maximum contaminant level (MCL) goals for chloroform, monochloroacetic acid and trichloroacetic acid; National Primary Drinking Water Regulations for total trihalomethanes and haloacetic acids; and revisions to the reduced monitoring requirements for bromate. The proposal specifies the best available technologies for the proposed MCLs. EPA also proposed additional analytical methods for the determination of disinfectants and disinfection byproducts (DBPs) in drinking water and proposed to extend approval of DBP methods for the determination of additional chemical contaminants. Comments must be received by 17 November 2003. For further information, contact Tom Grubbs, EPA at (202) 564-5262.

NOTICE OF AVAILABILITY – ARSENIC TECHNOLOGY EVALUATION HANDBOOK – EPA has issued a document titled: “Arsenic Treatment Technology Evaluation Handbook for Small Systems.” The document is intended to help small drinking water systems make treatment decisions to comply with the revised arsenic rule. Major sections of the document include: 1) a discussion of arsenic mitigation strategies; 2) technology selection; 3) planning level treatment costs; 4) design considerations; and 5) point-of-use treatment options. The document is available at:
http://www.epa.gov/safewater/smallsys/arsenic_treatment_handbook_lo.pdf.

NOTICE OF AVAILABILITY – WATER QUALITY TRADING ASSESSMENT HANDBOOK – EPA Region 10 has posted a “Water Quality Trading Assessment Handbook” online at: <http://www.epa.gov/r10earth> (go to Index and click on “T” for Trading). EPA policy encourages water quality trading as a way of focusing on cost-effective, local solutions to pollution problems. The handbook provides a guide through a structured assessment of trading opportunities and examines the environmental, economic and technical factors that influence the water quality trading market. For further information regarding the handbook, contact Claire Schary, EPA at (206) 553-8514. For general information on national trading activities, link: <http://www.epa.gov/owow/watershed/trading.htm>.

GENERAL INFORMATION:

NOTICE OF AVAILABILITY – INDOOR AIR QUALITY DESIGN TOOLS FOR SCHOOLS – EPA has announced the launch of “Indoor Air Quality Design Tools for Schools.” This new web-based resource contains recommendations and tools to integrate good air quality practices into the design, construction, renovation, and operation of K-12 school facilities. For further information, contact Bob Axelrad, EPA at (202) 564-9315, or link: <http://www.epa.gov/iaq/schooldesign>.



GENERAL INFORMATION

FINAL RULE – HAZARDOUS MATERIALS TRANSPORTATION – On 31 July 2003 (68 FR 44991), the Department of Transportation, Research and Special Programs Administration (RSPA), revised the Hazardous Materials Regulations to maintain alignment with international standards by incorporating various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements. Compliance with the amendments is mandatory 1 October 2004. For further information, contact John McIntyre, RSPA at (202) 366-8533, or link: <http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-19016.htm>.

FINAL RULE – AMENDMENTS TO HAZARDOUS MATERIALS REGULATIONS – On 14 August 2003 (68 FR 48562), RSPA amended the Hazardous Materials Regulations by incorporating miscellaneous changes based on petitions for rulemaking and RSPA initiatives. The intended effect of these regulatory changes is to update, clarify or provide relief from certain regulatory requirements. The amendments will be effective 1 October 2003. For further information, contact Gigi Corbin, RSPA at (202) 366-8553, or link: <http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-20508.htm>.

PROPOSED RULE – DOD MUNITIONS RESPONSE SITE PRIORITIZATION PROTOCOL – On 22 August 2003 (68 FR 50899), DoD proposed a rule that establishes the Munitions Response Site Prioritization Protocol. The purpose of the Protocol is to assign a relative priority for munitions responses to each location in the inventory of munitions response sites known or suspected of containing unexploded ordnance, discarded military munitions, or munitions constituents. The Protocol evaluates the following potential explosive safety and environmental hazards: 1) explosive hazards posed by unexploded ordnance and discarded military munitions; 2) hazards associated with the effects of chemical warfare materiel; and 3) chronic health and environmental hazards posed by munitions constituents or other chemical constituents. The Protocol has three hazard evaluation modules, each of which is specific to one type of hazard. Comments are due by 20 November 2003. For further information, contact the Office of the Deputy Under Secretary of Defense at (703) 695-6107.

PROPOSED RULE – AIRBORNE EXPOSURE LIMITS FOR CHEMICAL WARFARE AGENTS – On 22 July 2003 (68 FR 43356), the Centers for Disease Control and Prevention (CDC) proposed updates to the airborne exposure limits for chemical warfare Agents H, HD, and HT (Sulfur Mustard) recommended by CDC in 1988. The proposal is predicated on CDC's understanding of existing demilitarization safeguards and procedures. Rather than specify an eight-hour time-weighted average, CDC proposed to designate a five-minute ceiling level that reflects the extensive near-real-time monitoring systems associated with chemical demilitarization activities. Additionally, CDC proposed to recommend a 12-hour general population limit (GPL-12), applicable to both the general population and workers, to confirm that low-level exposure is not occurring. The time duration of the GPL-12 is consistent with the sampling period for existing air monitoring methods and the long work shifts in many demilitarization operations. CDC proposed that the 1988 worker population limit (WPL) of 0.003 mg/m³, currently an eight-hour time-weighted average (TWA), be a five-minute ceiling limit value; and the GPL of 0.0001 mg/m³, currently a 72-hour TWA, be a 12-hour TWA and adjusted to 0.00002 mg/m³ to meet carcinogenicity protection levels below thresholds of significant risk. Comments are due by October 1, 2003. For further information, contact Paul Joe, CDC, at (770) 488-7091, e-mail: pbj4@cdc.gov.

PROPOSED RULE – HAZARDOUS MATERIALS SAFETY PERMITS – On 19 August 2003 (68 FR 49737), the Federal Motor Carrier Safety Administration (FMCSA) proposed to establish a safety permit program to enhance safe and secure transportation of designated hazardous materials and motor carrier safety. Beginning in 2005, a motor carrier would need to hold a safety permit in order to transport these hazardous materials in interstate or intrastate commerce. FMCSA also proposes to consider additional "acute" and "critical" regulations relevant to its determination of a carrier's safety fitness rating and the issuance of a safety permit. FMCSA has decided to not prescribe a uniform permitting system (at the state level) for intrastate transportation of hazardous materials. Comments are due by 20 October 2003. For further information, contact James Simmons, FMCSA at (202) 493-0496.

ARMY UPDATES EPCRA TRI INFORMATION – The Army Environmental Center (AEC) has posted the latest information on the Army and DoD's Emergency Planning and Community Right to Know Act (EPCRA) Toxic Release Inventory (TRI) program. The site contains information on Army TRI reporting requirements and a link to DENIX with the latest DoD guidance. AEC will post any news or progress in the EPCRA program on the site, located on the AEC home page at: <http://aec.army.mil/usaec> (click on pollution prevention and scroll down to the EPCRA link).

[\[TOP OF SECTION\]](#)

[\[TOP OF REVIEW\]](#)



UPCOMING CONFERENCES, SYMPOSIUMS AND TRAINING ANNOUNCEMENTS

ENVIRONMENTAL MANAGEMENT SYSTEM (EMS) TRAINING

9-10 September 2003 – Las Vegas, Nevada

16-17 September 2003 – Anchorage, Alaska

In conjunction with the Federal Network for Sustainability, EPA is sponsoring EMS training workshops for federal agencies. Attendance will be limited to 60 persons. For more information or to register, link: <http://www.doi.gov/training/dlca.html>.

17th ANNUAL ACHMM NATIONAL CONFERENCE

14-17 September 2003 – Dallas, Texas

The Academy of Certified Hazardous Materials Managers (ACHMM) is sponsoring this conference. This year's theme is: "The Challenging World of Hazardous Materials Management." The conference topics include: "Chemical and Biological Terrorism: Homeland Security and Current Events," "Management of an Anthrax Response through an EMS," and "Reflection on the Environment and National Policy." For more information or to register, link: <http://www.achmm.org/achmmnew/>.

HISTORIC PRESERVATION LAW AND SECTION 106 COMPLIANCE

23-25 September 2003 – Newport, Rhode Island

4-6 November 2003 – Portsmouth, New Hampshire

24-26 February 2004 – Jacksonville, Florida

20-22 April 2004 – San Antonio, Texas

20-22 July 2004 – Annapolis, Maryland

This course emphasizes legal compliance (the National Historic Preservation Act Section 106 process) using actual case studies. It addresses legislation and the process to meet the requirements of the law. Course content includes: the stewardship role; use of historic properties; and communications with related oversight agencies. For more information or to register, link: <https://www.cecos.navy.mil>.

"PARTNERS TO PROMOTE STEWARDSHIP" CONFERENCE

29 September – 2 October 2003 – Grand Teton National Park, Wyoming

EPA, the National Park Service, the Peaks to Prairies Pollution Prevention Information Center and several states are sponsoring this conference, titled: "Sharing Common Ground: Partners to Promote Stewardship." This conference is for federal, state and local land managers, regulatory agencies, and non-profit and private sector organizations involved in public land use, and looking for ways to work cooperatively to sustain the wealth of environmental resources on public lands and the surrounding communities. For more information, link: <http://www.mesllc.net/conference>.

"AN ORGANIZATIONAL GUIDE TO POLLUTION PREVENTION" WORKSHOP

7-9 October 2003 – Boston, Massachusetts

4-6 November 2003 – Dallas, Texas

9-11 December 2003 – Philadelphia, Pennsylvania

EPA is hosting this workshop to help organizations get P2 programs started or to reevaluate existing P2 programs. The guide presents an alternative method for working P2 projects and plans, and four approaches to implementing P2 and environmental planning within an organization. There is no registration fee for the workshop. For further information, visit the workshop website at: www.epa.gov/ttnrmrl/p2workshop.htm.

CLEANUP SITE CLOSURE: REGULATORY & ADMINISTRATIVE ACTIVITIES

8-9 October 2003 – Las Vegas, Nevada
2-3 December 2003 – Richland, Washington
17-18 February 2004 – Idaho Falls, Idaho

The Resource Training Institute (RTI) is offering this course for personnel who are involved in the planning and implementation of closure and post-closure activities at hazardous and mixed waste management facilities or environmental restoration projects. The course will provide an overview of RCRA requirements for landfills, storage pads, and contaminated areas. It will also cover effective ways to plan for the integration of closure among units regulated under different programs. For more information or to register, call (803) 652-8830, or link <http://www.rtii.org>.

CERCLA ORIENTATION AND REMEDIAL INVESTIGATION/FEASIBILITY STUDY

14-16 October 2003 – Richland, Washington

RTI is offering this course for personnel that have little or no experience in the basic background and implementation of CERCLA. Participants are provided with an in-depth review of the Remedial Investigation/Feasibility Study (RI/FS) process as it applies to environmental restoration programs. Following an overview of the CERCLA Process, the course focuses on the RI/FS process and addresses site characterization, risk assessment, and remedy selection issues. Attention is also given to public involvement in the cleanup process. For more information or to register, call (803) 652-8830, or link <http://www.rtii.org>.

APPLIED CLEAN AIR ACT

21-23 October 2003 – Las Vegas, Nevada
16-18 December 2003 – Orlando, Florida

RTI is offering this course for environmental professionals who are responsible for implementation and monitoring of their facilities' compliance with the requirements of the Clean Air Act (CAA). The course provides detailed information on all facets of the CAA and the 1990 Amendments. It covers the fundamentals of air pollution such as abatement equipment, monitoring, and air dispersion models. For more information or to register, call (803) 652-8830, or link <http://www.rtii.org>.

ENVIRONMENTAL LAWS AND REGULATIONS

21-23 October 2003 – Albuquerque, New Mexico
18-20 December 2003 – Richland, Washington

RTI is offering this course for personnel new to the field of waste management environmental compliance or environmental restoration, as well as persons who need an update on recent changes in environmental laws and regulations. The course will address high level waste storage in tanks and treatment for disposal; low level waste disposal; mixed waste treatment, storage and disposal; environmental compliance associated with operational or restart issues; decommissioning activities; and materials transportation. For more information or to register, call (803) 652-8830, or link <http://www.rtii.org>.

BROWNFIELDS 2003 CONFERENCE

27-29 October 2003 – Portland, Oregon

EPA is sponsoring this conference on brownfields cleanup and reuse. The conference will include panel sessions, mobile workshops, "Marketplace of Ideas" roundtable discussions, and individual poster presentations. For further information, link: <http://www.epa.gov/brownfields>.

INTRODUCTORY HEALTH RISK COMMUNICATION WORKSHOPS

27-29 October 2003 – Ft. Richardson, Alaska
3-5 November 2003 – Ft. Wainwright, Alaska
24-26 February 2004 – Seattle, Washington
27-29 April 2004 – Honolulu, Hawaii

The Army Center for Health Promotion and Preventative Medicine is presenting these workshops to instruct participants how to identify, build, maintain, and utilize strategic partnerships and plans to support an organization's mission. The workshop will provide a basic understanding of the concepts, principles, and process of effective risk communication. Topics include: History and Philosophy of Risk Communication, Steps of the Risk Communication Process, Importance of Identifying, Understanding,

and Collaborating with Key Stakeholders, Pitfalls to Effective Risk Communication, and Basic Tools for Engaging the Media. For more information or to register link: <http://chppm-www.apgea.army.mil/risk>.

UXO BASIC TRAINING COURSE

28-29 October 2003 – Austin, Texas

The Interstate Technology and Regulatory Council (ITRC) is co-sponsoring this course with EPA and the Texas Commission on Environmental Quality. This is an entry-level course designed to provide an overview of key environmental issues associated with ordnance and explosives cleanup. Participants will be introduced to basic terminology, munitions identification, safety concerns, regulatory requirements, conventional and innovative technology, site investigation, and site remediation. For more information or to register, contact Eileen O'Toole at (540) 557-6007, or link to the ITRC web site: <http://www.itrcweb.org>.

LOW-IMPACT DEVELOPMENT WORKSHOP

28-30 October 2003 – Fort Lewis, Washington

The Army Environmental Center and Fort Lewis are sponsoring this free workshop, which will examine administrative and policy-related aspects of implementing low-impact development in construction, renovation, and landscaping projects. The workshop will involve engineers, planners, and environmental managers in a practical site assessment and design exercise. For more information, call (253) 967-2326. To register, call (253) 966-1795.

ENGAGING THE MEDIA WORKSHOPS

30-31 October 2003 – Ft. Richardson, Alaska

6-7 November 2003 – Ft. Wainwright, Alaska

The Army Center for Health Promotion and Preventative Medicine is presenting these workshops to provide participants with an understanding of the unique nature of the media, as well as hands-on practice of skills and tools to engage the media successfully. The workshop includes discussions on relating media communications to your strategic risk communication planning process, media culture, common traps, and the importance of non-verbal communication when dealing with the media. All participants will have the opportunity for on-camera practice and critique in a variety of situations, including non-crisis, crisis, "ambush," and panel interviews. For more information or to register, link: <http://chppm-www.apgea.army.mil/>.

EMERGENCY PREPAREDNESS AND PREVENTION CONFERENCE

16-19 November 2003 – Norfolk, Virginia

The theme of this EPA conference is "Stay the Course," and will emphasize the importance of continued diligence and focus on emergency planning and preparedness efforts. The conference will include workshops, general sessions, networking opportunities, and an exhibit hall. For more information or to register, link: <http://www.2003conference.org>.

NREP/INSTEP ANNUAL TECHNICAL CONFERENCE

17-21 November 2003 – Orlando, Florida

The National Registry of Environmental Professionals and the International Society of Technical and Environmental Professionals are co-sponsoring this conference. The agenda includes certification preparatory workshops, technical papers, and special seminars for updating professional skills. For more information or to register, link: <http://www.nrep.org/conference/conference2.html>.

PARTNERS IN ENVIRONMENTAL TECHNOLOGY SYMPOSIUM

2-4 December 2003 – Washington, DC

The Strategic Environmental Research and Development Program and the Environmental Security Certification Program are hosting this symposium and workshop with the theme: "Meeting DoD's Environmental Challenges." A major focus will be sustainability of military testing and training ranges. The symposium will offer 12 technical sessions that highlight proven technologies, as well as technologies needed to address emerging environmental challenges. For more information, link: <http://www.serdp.org/news/ESA4c.pdf>.

CONFERENCE ON SUSTAINABLE RANGE MANAGEMENT**5-8 January 2004 – New Orleans, Louisiana**

Battelle is organizing this conference to provide a venue for exchange of information benefiting all stakeholders involved with range management issues. The technical programs will include urban growth and encroachment issues, management of airspace, noise abatement issues, air quality management, threatened and endangered species habitat protection, military munitions response program, and cleanup of munitions and explosives of concern. For more information, link: <http://www.battelle.org/rangecon>.

ADVANCED RISK COMMUNICATION WORKSHOP**13-15 January 2004 – San Diego, California****2-5 August 2004 – Salt Lake City, Utah**

The Army Center for Health Promotion and Preventative Medicine is presenting this workshop to instruct participants how to identify, build, maintain, and utilize strategic partnerships and plans to support an organization's mission. The workshop builds on the "Introductory Health Risk Communication Workshop" listed above (a pre-requisite for this course) and will provide participants with hands-on experience in applying the steps of the risk communication process, on-camera media practice, and seminar-style discussions of "hot" issues impacting military health and readiness. There is no registration fee. For more information or to register, link: <http://chppm-www.apgea.army.mil/risk>.

NATURAL RESOURCES COMPLIANCE**27-30 January 2004 – San Antonio, Texas****22-25 June 2004 – Aberdeen, Maryland**

This course offers instruction in specific natural resources laws, regulations, policies, Executive Orders, DoD instructions, and other guidance, noting Service-specific requirements. It addresses stewardship, preservation and process; fish, game and wildlife management laws; protection of wetlands, waterways and other protected ecological areas; forest and land use management laws; and inter-service cooperation. This is an Inter-service Environmental Education Review Board (ISEERB approved) course. For more information or to register, link: <https://www.cecos.navy.mil>.

INTRODUCTION TO CULTURAL RESOURCE MANAGEMENT LAWS AND REGULATIONS**16-18 March 2004 – New Orleans, Louisiana****17-19 August 2004 – Bangor, Maine**

This course provides an integrated overview of all pertinent laws and regulations needed to understand and fulfill cultural resource management responsibilities. The curriculum is designed around a series of inter-related case studies discussed during the course. The course is taught in conjunction with the Advisory Council on Historic Preservation and is approved by the Inter-service Environmental Education Review Board (ISEERB). For more information or to register, link: <https://www.cecos.navy.mil>.

[\[TOP OF SECTION\]](#)[\[TOP OF REVIEW\]](#)



STATE REGULATORY DEVELOPMENTS, LEGISLATION, AND NEWS



COLORADO

Regulatory Developments & Other State Information

ENVIROFEST IV - 23 September 2003 – Denver, Colorado - The Rocky Mountain Association of Environmental Professionals is sponsoring this networking event, with the theme: "Partnering for Environmental Progress." This is an opportunity for professional associations to learn more about organizations and people supporting environmental programs in Colorado. The speakers will include: 1) Robbie Roberts, EPA Region 8 Regional Administrator; 2) Doug Benevento, Executive Director of the Colorado Department of Public Health and Environment (CDPHE); and 3) Ralph Peterson, President of CH2MHill. For more information or to register, e-mail: jwgrosskopf@cox.net.

DRAFT DOCUMENT – COLORADO ENVIRONMENTAL PERFORMANCE PARTNERSHIP AGREEMENT FOR FY 2004 – CDPHE and EPA are continuing their partnership to protect environmental Quality in Colorado. A draft Performance Partnership Agreement for FY 2004 is available for public comment. The Agreement defines the roles of CDPHE and EPA Region 8, identifies priorities for environmental protection, and describes State and EPA program elements. Comments are due by 21 September 2003. For more information, contact Ray Mohr at (303) 692-3110, or link: <http://www.cdphe.state.co.us/oe/ceppahom.asp>.

AIR INFORMATION:

PROPOSED REGULATION – REVISIONS TO MOTOR VEHICLE EMISSIONS INSPECTION PROGRAM – CDPHE has proposed revisions to its Motor Vehicle Emissions Inspection Program (Reg. 11) to establish model year exemptions and the exemption of vehicles from inspection on change of ownership. CDPHE also proposed to eliminate the inspection/maintenance programs from the Fort Collins and Greeley areas. In addition, CDPHE proposed revisions to the Diesel Vehicle Emissions Program (Reg. 12) that: 1) modifies definitions of heavy and light duty vehicles; 2) creates model year exemptions; and 3) establishes peak opacity standards. CDPHE will hold a public hearing 18 September 2003. For more information, contact Kim Livo at (303) 692-3134.

PROPOSED REGULATION – REVISIONS FOR VOLATILE ORGANIC COMPOUNDS – CDPHE has proposed revisions to Regulation # 7, Emissions of Volatile Organic Compounds. The revisions repeal a five ton per day de minimis exemption level that was adopted with the Denver Ozone Maintenance Plan, and repeal or revise alternative compliance plan provisions that were adopted with the Plan. CDPHE will hold a public hearing 20 November 2003. Written comments are due by 6 November. For more information, contact Douglas Lempke at (303) 692-3478.

WASTE INFORMATION:

NOTICE OF INTENT – PARTIAL DELETION OF ROCKY MOUNTAIN ARSENAL NATIONAL PRIORITIES LIST SITE – On 28 July 2003 (68 FR 44265), EPA Region 8 announced its intent to delete the Surface Deletion Area (SDA), which includes the surface and structures media only within 123 acres of the Rocky Mountain Arsenal National Priorities List Site (RMA/NPL Site) On-Post Operable Unit (OU), from the National Priorities List (NPL). EPA based its decision to delete the SDA of the RMA/NPL Site on

the determination by EPA and CDPHE that all appropriate actions under CERCLA have been implemented to protect human health, welfare and the environment and that no further response action by responsible parties is appropriate. The partial deletion pertains to the surface (soil, surface water, sediment) and structures media only and excludes the groundwater media of the SDA of the On-Post OU of the RMA/NPL Site. The Selected Perimeter Area of the On-Post OU RMA/NPL Site, composed of the surface, structures, and groundwater media within an additional 4,930 acres, is also being considered as a separate partial deletion. Comments are due by 25 September 2003. For further information, contact Laura Williams, EPA at (303) 312-6660.

WATER INFORMATION:

PROPOSED RULE – APPROVAL OF WATER SYSTEM SUPERVISION PROGRAM REVISION – On 15 August 2003 (68 FR 48919), EPA proposed to approve Colorado's revised Public Water System Supervision Primacy Program. The State adopted regulations for the Interim Enhanced Surface Water Treatment Rule, Disinfectants/Disinfection Byproducts Rule, Radionuclides Rule, revisions to the Variances and Exemptions Rule, Administrative Penalty Authority, Definition of "Public Water System," and the Public Notification Rule. EPA determined that these revisions meet all pertinent requirements in the Safe Drinking Water Act and EPA's implementing regulations. Written comments are due by 15 September 2003. For further information, contact Qian Zhang, EPA at (303) 312-6267.

FINAL REGULATION – CLASSIFICATION CHANGES FOR UPPER ARKANSAS AND FOUNTAIN CREEK – CDPHE has amended its water supply standards to conform with the classification changes made for Upper Arkansas segment 20, Upper Arkansas segment 2a, and Fountain Creek segment 7a. Upper Arkansas segment 20 and Upper Arkansas segment 2a were removed from the 2003 303(d) list. Fountain Creek segment 7a was listed for tetrachloroethylene. The final list was approved by EPA on 19 May 2003. For more information, contact Diana Glaser at (303) 692-3469.

PROPOSED REGULATION – PRETREATMENT REGULATIONS – The Colorado Water Quality Control Commission has proposed amendments to its Pretreatment Regulations, Regulation 63. The purpose of these regulations is to: (1) prevent the introduction of pollutants into Publically Owned Treatment Works (POTW) which interfere with the operation of a POTW, including interference with its use or disposal of sludge; (2) prevent the introduction of pollutants into POTW's that pass through the treatment works without receiving effective treatment; and (3) improve opportunities to recycle and reclaim municipal and industrial wastewaters and sludges. The Commission will hold a public hearing on 8 September 2003. For more information, contact Diana Glaser at (303) 692-3469.

DEPARTMENTAL DISCUSSION – 2004 303 (d) LIST OF IMPAIRED WATERS AND LISTING CRITERIA – CDPHE is discussing listing methodology for the 2004 303(d) list of impaired waters. CDPHE will hold an informational hearing on 8 October 2003 and hopes to approve the list in March 2004, since it must be submitted to EPA by 1 April 2004. Tim Blume, Army REC Region 8, is participating on the stakeholder workgroup to develop the proposed list. For more information, contact Tim at (303) 844-0958, or Phil Hegeman, CDPHE at (303) 692-3500.

Legislative Developments

The 2003 legislative session began 8 January and ended 7 May. A summary of the significant environmental legislation that was enacted and signed was included in the July Review. For more information on the legislative session, link http://www.state.co.us/gov_dir/stateleg.htm.

[\[TOP OF SECTION\]](#)

[\[TOP OF REVIEW\]](#)



MONTANA

WATER INFORMATION:

FINAL REGULATION – WATER RIGHTS FEES – The Montana Department of Natural Resources and Conservation has adopted amendments to its water rights forms and fees. The amendments: (1) specify forms to be submitted with groundwater developments in excess of 35 gallons per minute or 10 acre-feet per year; (2) specify forms to be submitted for a change in water right; (3) specify the forms for replacement well notice and redundant well construction notice; (4) increase the fee from \$200 to \$400 for an Application for Beneficial Water Use Permit; (5) increase the fee for an Interim Permit from \$25 to \$50; (6) increase the fee from \$25 to \$50 for a Notice of Completion of Groundwater Development for groundwater development with a maximum use of 35 gpm or less not to exceed 10 acre-feet per year; (7) increase the fee from \$25 to \$50 for an Application for Provisional Permit for Completed Stockwater Pit or Reservoir; (8) increase the fee from \$200 to \$400 for an Application to Change a Water Right; (9) increase the fee from \$50 to \$100 for Application for Extension of Time; (10) increase the fee from \$25 to \$50, plus \$10 for each subsequent water right transferred, not to exceed \$300 for a Water Right Ownership Update; (11) increase the fee from 450 to \$100 for an Application to Renew a Temporary Water Right Change; (12) increase the fee from \$200 to \$500 for a Controlled Groundwater Area Petition; (13) increase the fee from \$200 to \$500 for a Petition for Closure of a Highly Appropriated Basin; (14) set a fee of \$50 for a Replacement Well Notice; and (15) set a fee of \$50 for a Redundant Well Construction notice. The amendments were effective 17 July 2003. For more information, contact Kimberly Overcast at (406) 444-6614.

FINAL REGULATION – ADOPTION OF FEDERAL DRINKING WATER STANDARDS – The Montana Department of Environmental Quality has adopted some federal drinking water standards. The standards include: (1) arsenic; (2) total trihalomethanes; (3) use of disinfection methods other than chlorine; (4) clarification of requirements for construction of public water and wastewater improvements; (5) wastewater operator certification; and (6) adoption of Circular DEQ-5, Groundwater Under the Direct Influence of Surface Water. The standards were effective 27 June 2003. For more information, contact Christian Levine at (406) 444-0371, or link: <http://www.deq.state.mt.us/dir/legal/Notices/17-190.pro.pdf>.

Legislative Developments

The 2003 legislative session began 6 January and ended 26 April. A summary of significant environmental bills that were enacted and signed was included in the June Review. For more information on the legislative session, link <http://www.leg.state.mt.us>.



NORTH DAKOTA

WATER INFORMATION:

PROPOSED RULE – APPROVAL OF WATER SYSTEM SUPERVISION PROGRAM REVISION – On 15 August 2003 (68 FR 48921), EPA proposed to approve North Dakota's revised Public Water System Supervision Primacy Program. The State adopted regulations for the Public Water System Definition Rule, Administrative Penalty Authority Rule, Consumer Confidence Report Rule, Variances and

Exemptions Rule, Interim Enhanced Surface Water Treatment Rule, and Disinfectants/Disinfection Byproducts Rule. EPA determined that these primacy revisions meet all pertinent requirements in the Safe Drinking Water Act and EPA's implementing regulations. Written comments are due by 15 September 2003. For further information, contact Anthony DeLoach, EPA at (303) 312-6070.

Legislative Developments

The 2003 legislative session began 7 January and ended 25 April. A summary of significant environmental bills that were enacted and signed was included in the June Review. For more information on the legislative session, link <http://www.state.nd.us/lr/>.



SOUTH DAKOTA

AIR INFORMATION:

FINAL REGULATION – REVISIONS TO AIR POLLUTION CONTROL PROGRAM – The South Dakota Department of Environment and Natural Resources (DENR) has adopted amendments to the Administrative Rules of South Dakota, Article 74:36 - Air Pollution Control Program. The amendments adopt revised and new federal regulations to remain equivalent to the federal programs DENR implements in South Dakota. The new federal regulations include oil and natural gas production facilities, natural gas transmission and storage facilities, secondary aluminum production, publicly owned treatment works, solvent extraction for vegetable oil, paper and other web coating facilities, and municipal solid waste landfills. In addition, DENR adopted new sections to both the minor and Title V permit programs. The new sections identify what category of sources DENR can issue a general permit to and under what circumstances DENR may require a source applying for a general permit to get an individual permit. The amendments will be effective upon publication. For more information, contact Steven Pirner at (605) 773-3151.

FALL SMOKE SCHOOL – The South Dakota DENR is offering a free classroom session and visible emission evaluation certification (smoke school) 30 September – 2 October 2003. The classroom session is not required, but is recommended for those who have not previously attended. For more information, contact Barb Regynski at (603) 773-3151. To register, link: <http://www.state.sd.us/denr/DES/AirQuality/aasmoke.htm>.

WATER INFORMATION:

PROPOSED RULE – APPROVAL OF WATER SYSTEM SUPERVISION PROGRAM REVISION – On 15 August 2003 (68 FR 48920), EPA proposed to approve South Dakota's revised Public Water System Supervision Primacy Program. The State adopted regulations for the Lead and Copper Rule Minor Revisions, the Public Notification Rule, the Disinfectants/ Disinfection Byproducts Rule, and the Interim Enhanced Surface Water Treatment Rule. EPA determined that these primacy revisions meet all pertinent requirements in the Safe Drinking Water Act and EPA's implementing regulations. Written comments are due by 15 September 2003. For further information, contact Bruce Suchomel, EPA at (303) 312-6001.

Legislative Developments

The 2003 legislative session began 14 January and ended 24 March. A summary of significant environmental bills that were enacted and signed was included in the May Review. For more information on the legislative session, link <http://legis.state.sd.us/index.cfm>.



UTAH

AIR INFORMATION:

FINAL REGULATION – ADOPTION OF FEDERAL NESHAPs – The Utah Department of Environmental Quality (DEQ) has adopted federal air toxics standards (40 CFR Part 63) published between 1 July 2000 and 1 July 2002. The NESHAPs include: (1) polyvinyl chloride and copolymers production; (2) Group I polymers and resins; (3) chemical recovery combustion sources at kraft, soda, sulfite, and stand-alone semichemical pulp mills; (4) heat exchange and waste operations for ethylene manufacturing process units; (5) primary copper smelters; (6) catalytic cracking units, catalytic reforming units, and sulfur recovery units for petroleum refineries; (7) publicly owned treatment works; (8) nutritional yeast manufacturing; (9) solvent extraction for vegetable production; (10) wet-formed fiberglass mat production; (11) surface coating operations for large appliances; (12) metal coil surface coating operations; (13) leather tanning and finishing operations; (14) cellulose product manufacturing; (15) boat manufacturing; (16) tire manufacturing; and (17) friction materials manufacturing facilities. The standards were effective 17 June 2003. For more information, contact Jan Miller at (801) 536-4042, or link:

<http://rules.utah.gov/publicat/bulletin/2003/20030101/25825.htm>.

WATER INFORMATION:

FINAL REGULATION – PENALTIES FOR DRINKING WATER VIOLATIONS – The Utah DEQ has adopted amendments to its regulations regarding penalties for drinking water violations. The amendments will: (1) specify which violations are classified as major, moderate, and minor; and (2) specify a range of fines for willful violations versus nonwillful violations. The amendments were effective 17 June 2003. For more information, contact Ken Bousfield at (801) 536-4207, or link:

<http://rules.utah.gov/publicat/bulletin/2003/20030501/26171.htm>.

EMERGENCY RULE AND PROPOSED PERMANENT RULE – FACILITY DESIGN AND OPERATION – The Utah DEQ has adopted an emergency amendment and proposed a permanent amendment for public drinking water storage tanks that requires steel tanks to be constructed from new, previously unused, plates and designed in accordance with AWWA Standard D-100. DEQ also adopted an emergency rule and proposed an amendment that prohibits the use of lead weights to keep pump suction at the bottom of day or bulk storage tanks containing fluoride chemical solutions. The emergency rules were effective 1 August 2003. Comments on the permanent amendments are due by 15 September 2003. For more information, contact Bill Birkes at (801) 536-4201, or link:

<http://rules.utah.gov/publicat/bulletin/2003/20030815/26506.htm> for the drinking water amendment, and <http://rules.utah.gov/publicat/bulletin/2003/20030815/26505.htm> for the lead weight amendment.

Legislative Developments

The 2003 legislative session began 20 January and ended 5 March. A summary of significant environmental bills that were enacted and signed was included in the May Review. For more information on the legislative session, link <http://www.le.state.ut.us/>.



WYOMING

Regulatory Developments & Other State Information

PROPOSED REGULATION – MILITARY MUNITIONS RULE – On 23 April 2002, the Wyoming Water/Waste Advisory Board (WWAB) met to consider recommending adoption of the Military Munitions Rule (MMR). The Wyoming Department of Environmental Quality (DEQ) suggested that the Board recommend adoption of most, but not all, of the federal rule. DoD provided comments on DEQ's proposal. The Board will conduct a public meeting on 8 September to consider revisions to the MMR. For more information, contact WREO at (303) 844-0955.

WASTE INFORMATION:

PROPOSED REGULATION – REVISIONS TO HAZARDOUS WASTE MANAGEMENT RULES AND REGULATIONS – The Wyoming WWAB will consider proposed revisions to the State's Hazardous Waste Management Rules and Regulations at its 8 September 2003 meeting. In addition to the MMR, WWAB will consider elimination of certain provisions of the Hazardous Remediation Waste Management Requirement and a change regarding permit modifications for hazardous waste combustors. For more information, contact Marisa Lataday at (307) 777-7752, or link: <http://deq.state.wy.us/shwd/rules.asp>.

WATER INFORMATION:

PROPOSED REGULATION – REVISIONS TO NPDES PERMITTING REQUIREMENTS - The Wyoming WWAB will consider proposed revisions to the National Pollutant Discharge Elimination System (NPDES) permitting requirements (Water Quality Division Chapter 2) at its 8 September 2003 meeting. For more information, contact Connie Osborne at (307) 777-7781, or link: <http://deq.state.wy.us/wqd>.

Legislative Developments

The 2003 legislative session began 14 January and ended 6 March. A summary of significant environmental bills that were enacted and signed was included in the May Review. For more information on the legislative session, link <http://legisweb.state.wy.us>.

[\[TOP OF SECTION\]](#)

[\[TOP OF REVIEW\]](#)